



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
RICHFIELD FIELD OFFICE

150 East 900 North
Richfield, UT 84701
<http://www.ut.blm.gov>



IN REPLY REFER TO:

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NOV 10 2003

DIV OF OIL GAS & MINING

3809
(UT-050)
UTU-71573

November 7, 2003

CERTIFIED MAIL 7001 0320 0003 4257 5074
RETURN RECEIPT REQUESTED

DECISION

Mr. Tony Aguiar : Financial Guarantee Required
Diversified Stone Products, Inc. : 43 CFR 3809.333 and 3809.503
P. O. Box 1181 :
Fillmore, Utah 84631 :

Your initial notice, UTU-71573, was received in the Richfield Field Office on November 16, 1994. This notice included mining activity in T. 26 S., R. 4 W., section 23, SLM, in Sevier County, Utah. Your request to extend this notice was received in this office on January 17, 2003; however, your request did not include a reclamation cost estimate in accordance with 43 CFR 3809.552.

On February 6, 2003, a meeting was held at the project area. The purpose of that meeting was to discuss the reclamation that would be necessary, when you complete the project, and to assist you in preparing the reclamation cost estimate for a financial guarantee. At that time, you stated that a contractor would prepare a reclamation cost estimate for your project area and that you would submit the estimate to this office in March 2003. A reclamation cost estimate was never submitted for our review.

On August 5, 2003, you received a certified letter from the Richfield Field Office, which included a reclamation cost estimate of \$24,900.00 for your notice, UTU-71573. This reclamation cost estimate was prepared for you by Bureau of Land Management staff. You were asked to review the reclamation cost estimate and to provide any modifications or corrections within 30 days of receipt of that letter. We did not receive any comments. Therefore, a financial guarantee in the amount of \$24,900.00 is required in order to extend your notice. A copy of the cost estimate is enclosed with this decision.

If you do not submit an acceptable financial guarantee within the 60 days of your receipt of this decision, then your notice will expire. The only authorized activity will be reclamation. A reclamation plan and schedule must be accepted prior to any reclamation activity commencing on the ground.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your notice of appeal with the IBLA. (See procedures below.)

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Richfield Field Office, 150 East 900 North, Richfield, UT 84701) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to the regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

for 
Aden Seidlitz
Field Manager

Enclosures: BLM Reclamation Cost Estimate
Form 1842-1

cc (without attachments):

Steven L. and Patricia K. Sorenson, 235 North Main Street, Kanosh, Utah 84637
Lynn Kunzler, Division of Oil, Gas, and Mining, State of Utah, Box 145801, Salt Lake City, Utah 84114-
5801 (S/041/027)

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